

John R. MacMillan, #27912
MacMillan, Scholz, and Marks, LLC
900 SW Fifth Avenue, Suite 1800
Portland, OR 97232
Office: (503) 224-2165
Facsimile: (503) 224-0348
Email: jmacmillan@msmlegal.com
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

STATE FARM MUTUAL AUTOMOBILE)	
INSURANCE COMPANY, as subrogee of)	Case No.:
Mark Walker,)	
)	COMPLAINT FOR PROPERTY DAMAGES
Plaintiff,)	(SUBROGATION)
vs.)	
)	
UNITED STATES POSTAL SERVICE,)	
)	
Defendant.)	

Plaintiff alleges:

1.

JURISDICTION

(1.1) This action is brought pursuant to Federal Tort Claims Act, 28 U.S.C. §2671, and 28 U.S.C. §1346(b).

(1.2) Venue is properly within this District under 28 U.S.C. § 1402(b) as the acts complained of occurred in the Eastern District of Washington.

///

///

///

///

2.

PARTIES

(2.1) Plaintiff State Farm Mutual Automobile Insurance Company (“State Farm”), at all times material hereto, was an Illinois corporation duly authorized to transact insurance business in the State of Washington.

(2.2) Defendant United States Postal Service (“USPS”) is an appropriate defendant under the Federal Tort Claims Act.

(2.3) At all times material hereto, Mary Graham (“Graham”) was a USPS employee working in the course and scope of their employment with USPS.

(2.4) At all material times, Mark Walker (“Walker”), was covered by State Farm pursuant to a policy of automobile insurance.

3.

FACTS

(3.1) At all material times, Cooper Canyon Lane was, and is now, a dedicated public roadway in Spokane, Spokane County, State of Washington.

(3.2) At all material times, Walker’s vehicle was parked on Cooper Canyon Lane and Graham was the operator of a USPS postal truck.

(3.3) On January 6, 2021, Graham was traveling on Cooper Canyon Lane, in Spokane, Washington. At said time and place, Graham employee did so negligently operate the USPS vehicle so as to collide with Walker’s vehicle, causing property damage to Walker’s vehicle.

4.

DAMAGES

(4.1) As a direct and proximate result of Graham’s negligence, Walker’s vehicle sustained damage in the amount of \$5,394.19.

///

(4.2) Prior to the accident set forth above, plaintiff had issued to Walker as its insured, a policy of automobile insurance. Pursuant to the terms of said policy, plaintiff was obligated to pay, and did pay, property damage benefits to or on behalf of Walker in the total amount of \$5,394.19. The amounts paid by plaintiff were reasonable.

(4.3) By virtue of its payments and the terms of its policy with Walker, plaintiff is subrogated to all rights of its insured against defendant to the extent of plaintiff State Farm's payments.

(4.4) Under the Federal Torts Claims Act, USPS is liable for the above-described actions of Graham, as she was acting within the course and scope of her employment with USPS.

WHEREFORE, plaintiff prays for judgment against defendants as follows:

- (a) For property damage in the amount of \$5,394.19;
- (b) For statutory interest on the judgment pursuant to RCW 4.56.110;
- (c) For plaintiff's costs and disbursements incurred herein, and such other relief as the Court deems proper.

DATED: June 21, 2022.

MacMILLAN, SCHOLZ & MARKS, LLC

By: /s/ John R. MacMillan
 JOHN R. MacMILLAN #27912
jmacmillan@msmlegal.com
 Of Attorneys for the Plaintiff